

# EXHIBIT 69

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# The Little-Known Bureaucrats Tearing Through American Universities

A new task force formed to combat antisemitism is using funding threats to force broader changes on campus

By *Liz Essley Whyte* [Follow](#), *Douglas Belkin* [Follow](#) and *Sara Randazzo* [Follow](#)

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Columbia University's president had already been hounded out of office, but her ordeal wasn't over.

Four days after she stepped down under government pressure during fraught federal funding negotiations, Katrina Armstrong spent three hours being deposed by a government attorney in Washington, D.C. The lawyer grilled Armstrong over whether she had done enough to protect Jewish students against antisemitism.

As she dodged specifics under questioning, the lawyer said her answer “makes absolutely no sense” and that he was “baffled” by her leadership style.

“I’m just trying to understand how you have such a terrible memory of specific incidents of antisemitism when you’re clearly an intelligent doctor,” he said.

The attorney in the room during the April 1 deposition, a senior Health and Human Services official named Sean Keveney, is part of a little-known government task force that has shaken elite American universities to their core in recent weeks. It has targeted billions of dollars in federal funding at premiere institutions such as Columbia and Harvard, with cascading effects on campuses nationwide. Now it is pressing to put Columbia under a form of federal oversight known as a consent decree.



Sean Keveney, shown in 2016, is now a leader of the Trump administration's antisemitism task force.

PHOTO: RALPH FRESO/AP

Called the Task Force to Combat Anti-Semitism, the group's stated goal is to "root out antisemitic harassment in schools and on college campuses," a mission that emerged from pro-Palestinian protests that disrupted campuses last year. But along the way, the task force is taking on university culture more broadly in ways that echo the MAGA dreams for remaking higher education—including ending racial preferences in admissions and hiring.

The task-force leaders have unprecedented leverage, thanks to a financial assault on higher education by the Trump administration that has no equal since the federal government began pumping money into research at universities during World War II. The Trump administration has pulled or frozen more than \$11 billion in funding from at least seven universities. The tactics and agencies have varied but the top-line intent, Trump said on the campaign trail, is to wrest control of universities from the far left.

"We are going to choke off the money to schools that aid the Marxist assault on our American heritage and on Western civilization itself," Trump said at a 2023 event. "The days of subsidizing communist indoctrination in our colleges will soon be over."

The handful of government officials driving the group aren't household names. Aside from Keveney, the acting general counsel at HHS, they include a former Fox News commentator; a onetime leader of the Justice Department civil-rights division; and a government procurement official who spent much of his career in finance.

The antisemitism task force "is motivated by one thing and one thing only: tackling antisemitism," said White House Spokesman Kush Desai. "Antisemitic protesters inflicting violence and taking

over entire college campus buildings is not only a crude display of bigotry against Jewish Americans, but entirely disruptive to the intellectual inquiry and research that federal funding of colleges is meant to support.”

In the move-fast-and break-things model of the Trump administration, the task force is deploying a range of legal tools and interpreting them expansively—moves hailed as brilliant and long overdue by conservative critics of universities.

In an interview, Education Secretary Linda McMahon said it was within the bounds of the federal government to ask universities to make changes to campus policies in the name of achieving administration priorities.



Secretary of Education Linda McMahon. PHOTO: NATHAN HOWARD/REUTERS

“These universities are taking federal funds,” McMahon said. “And so if you’re taking federal funds, then we want to make sure that you’re abiding by federal law.” The administration is not, she said, trying to take away academic freedom and the right to peacefully protest or disagree.

University leaders who are dealing with the task force use words like “scary” and “unsettling.” Academics say the group’s blunt negotiation approach is a sharp contrast to the more collaborative style of the Education Department officials they historically have met with to discuss campus problems.

The task force’s opening salvo was the cancellation of \$400 million in federal funds from Columbia. When the university quickly acquiesced to the task force’s demands, the group set an aggressive trajectory.

Even some members are surprised at how quickly the task force has put all higher education on alert, people familiar with the matter said. The task force's meetings buzz with excitement that what they are doing may actually change things on college campuses, one of the people said.

The task force asked Harvard to not only protect Jewish students and faculty from antisemitism but to reform the campus culture by making structural changes to governance, student admissions and faculty hiring. Those changes are aimed at improving viewpoint diversity, and ending "ideological capture," the task force wrote.

Advocates of the strategy contend there is a logical bridge between antisemitism, anti-Western ideologies and what they contend is an intolerant progressive orthodoxy on campus. Academic theories on "settler colonialism" hold that Israel is a white supremacist state created by the theft of land from Palestinians. Demonizing Zionism has fueled antisemitism on college campuses, according to the Anti-Defamation League, which has tracked reports of such behavior since 2014.

In negotiations with schools, the antisemitism task force carries a big stick. Federal funding constitutes a significant portion of the operating budget of some major research universities. Schools rely on federal contracts and grants to pay for laboratories and graduate assistants. Pell grants and federal loans help cover tuition costs for many undergraduates. Even schools with significant endowments cannot sustain prolonged periods of business as usual if the government cuts their funding.

In letters to universities, including Columbia and Harvard, the task force has cited civil-rights laws that encompass antisemitism, including Title VI and Title VII. But its tactic of targeting funding first and then beginning conversations is unprecedented, education lawyers say.

Typically, the Education Department's civil-rights arm handles such investigations—which can take months or even years—and hardly ever end with federal funds being cut. Instead, the investigations often result in voluntary settlements that some attorneys consider toothless.

"Cutting off the funding spigot is a nuclear-type weapon of enforcement," said Scott Schneider, an education lawyer in Austin. "It's outside the legal system and is a remarkable exercise of executive authority."





The campus of Harvard University, which is pushing back against demands from the administration.

PHOTO: MICHAEL CASEY/AP

The administration has also said at times that money is no longer being used for projects that align with White House “priorities,” a sweeping interpretation that has opened the door to potentially canceling billions of dollars of federal funds over ideology.

The schools, meanwhile, are scrambling to understand whether they could win in court, though none have yet sued. Harvard, where the task force has placed nearly \$9 billion in federal funds under review, has raised money in the bond market that it could use to free up cash flow in case it is unable to reconcile with the task force.

On Monday, Harvard pushed back on the task force, saying in a letter that the university is working to address antisemitism but won’t bow to the administration’s demands, which it calls unlawful.

“Neither Harvard nor any other private university can allow itself to be taken over by the federal government,” Harvard’s lawyers, William Burck and Robert Hur, wrote.

Hours later the task force said it was freezing \$2.26 billion in multiyear grants and contracts.

## **‘Bankrupt these universities’**

The task force wielding this power pulls in representatives from across the federal government, including the General Services Administration and departments of Justice, Education and HHS.

Leo Terrell, a Justice Department political appointee and former Fox News commentator, was announced as the head of the task force when it was created in February. The longtime civil-rights

lawyer and friend of O.J. Simpson, who switched political affiliations from Democrat to Republican in 2020, said on Fox News last month that, “We’re going to bankrupt these universities” if they do not “play ball.”



Leo Terrell, center, a longtime civil-rights lawyer, was named to head the task force. PHOTO: SHAWN THEW/EPA/BLOOMBERG NEWS

Driving much of the day-to-day business of the task force are Keveney of HHS; Tom Wheeler, the Education Department’s acting general counsel; and Josh Gruenbaum, a commissioner in the General Services Administration.

The task force meets in person roughly every other week in HHS, Education Department or Justice Department buildings, said a person familiar with the task force’s work. The three day-to-day leaders always attend, plus at least one high-ranking official from Justice, and a rotating cast of civil-rights attorneys from the agencies. Between meetings, task-force members keep in touch via email.

Wheeler headed the Justice Department’s civil-rights division in 2017 during a time when Jewish community centers were receiving bomb threats. He later helped develop guidelines to reopen schools during the pandemic. He spent the bulk of his career in private practice in Indiana and also worked as counsel to former vice president Mike Pence during his time as Indiana’s governor.

Gruenbaum was working in private equity before he joined the Trump administration to run the Federal Acquisition Service, a part of GSA that handles procurement for the federal government. He told Jewish Insider in March that he reached out to offer his agency’s services to the task force once he heard it was being created. Being raised Orthodox Jewish as the grandson of a Holocaust survivor helped shape his worldview, he told the publication.

Keveney is a career government lawyer who has worked for HHS and the Justice Department since 2003. He was at Justice Department during the first Trump administration and worked on the Harvard affirmative action case decided by the Supreme Court in 2023.

The task force has no master list of schools to go after. Instead, the group tackles what seem to be the largest and most immediate problems, a person familiar with its work said. In its meetings, task force officials discuss strategies, legal tools, and news from student and alumni groups and university trustees that its members are connected to.

The task force has discussed broadly among its members, and with the State Department, potential student ties to terrorist organizations and how pro-Palestinian groups on campuses are funded, people familiar with the matter said. The task force isn't working with Immigration and Customs Enforcement, one of the people said.

Task-force members generally agree many universities have responded abysmally to the Oct. 7, 2023, Hamas attacks on Israel, and while their work is focused on antisemitism, they also agree that DEI and affirmative-action in admissions violate federal civil rights law.

The White House has, on its own without coordinating with the task force, been taking some actions against universities, including freezing funds to Cornell.

The task force appears, at least at times, to be making decisions independent of cabinet-level Trump appointees. McMahon, the education secretary, said she had a meeting in March set with Columbia's Armstrong to discuss antisemitism, not realizing that it was the same day that \$400 million in funding cancellations would be announced. "I found out just before I went in," she said. McMahon said she had known the action against Columbia was a possibility and that she delivered the news.

The task force named 10 schools in February that would be its initial focus for campus visits. The list includes universities that have had funding threatened so far, like Columbia, Harvard and Northwestern, as well as UCLA, the University of Minnesota and New York University. The group also said it would visit city officials in Los Angeles, Boston, New York and Chicago.

Separately, at least 60 colleges and universities are under investigation by the Education Department's Office for Civil Rights for their alleged inaction in protecting Jewish students and staff.

## **'Dismembering the prince'**



The Trump administration's disdain for many elite institutions extends beyond the Israel-Hamas protests to the view that universities suppress conservative ideas and marginalize people who hold them. At a 2021 speech to the National Conservatism Conference, now-Vice President JD Vance, who at the time wasn't in public office, said: "I think if any of us want to do the things that we want to do for our country and for the people who live in it, we have to honestly and aggressively attack the universities in this country."

Meanwhile, the public mood toward elite universities with large endowments—Harvard's is north of \$50 billion—is sour. In a Wall Street Journal poll that surveyed 1,500 registered voters by phone from March 27 through April 1, 48% favored withholding funds from universities for failing to protect Jewish students from antisemitism.

Conservative activist Christopher Rufo, who helped craft the Trump administration blueprint to cut waste in government and attack DEI in universities, said the public's anger with higher education has made the sector a prime target to attack.



Christopher Rufo helped craft a Trump administration effort to combat campus DEI policies. PHOTO: TINA RUSSELL FOR WSJ

Rufo espouses making an example of a school and cutting its federal funding altogether—because it would prompt other schools to fall in line.

"Machiavelli has a great line, where he talks about the salutary effects of a kind of spectacular public punishment," Rufo said. "In his case, it was like dismembering the prince, but in this case, it's, metaphorically, putting the screws on one of these universities in a spectacular way, and then watching them implode."

Michael Poliakoff, president of the American Council of Trustees and Alumni, which works to ensure effective governance of colleges and universities, agrees with the need and direction of the task force but warned that whatever leverage it brings to bear could be used by future administrations.

“One has to anticipate what’s going to be coming down two or three moves into the future,” Poliakoff said. “And so I approach this with caution.”

Beyond civil-rights laws, the task force is also wielding the club of federal contracts. Kenneth L. Marcus, a former head of the Education Department’s Office for Civil Rights who now runs the Brandeis Center, which fights against antisemitism, called the involvement of the General Services Administration in the task force’s work a “brilliant stroke.”

Few people think about the agency as a lever of the federal government, Marcus said, but the power to pull back contracts “brings to bear immense new potentials for influencing compliance with federal civil rights laws.”

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